

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

SUNDAY SUNNY BOYEJO,	:	
Inmate No. 000865094,	:	PRISONER HABEAS CORPUS
Petitioner,	:	28 U.S.C. § 2254
	:	
v.	:	CIVIL ACTION NO.
	:	1:17-CV-2056-ODE-JSA
JUDGE JOYETTE HOLMES; et al.,	:	
Respondent.	:	

**MAGISTRATE JUDGE’S FINAL REPORT AND RECOMMENDATION**

Petitioner submitted a state form for prisoner civil actions that the Clerk docketed as a habeas petition under 28 U.S.C. § 2254. (Doc. 1). On June 27, 2017, this Court entered an Order instructing Petitioner to submit the full initial filing fee of \$5.00 or a request to proceed *in forma pauperis* on the proper forms, including an executed financial affidavit with an authorization allowing his custodian to withdraw funds from his inmate account and a completed certificate signed by an authorized institutional officer regarding the current balance in his inmate account. (Doc. 3). Because the Court could not determine the nature of Petitioner’s challenge and/or whether Petitioner had exhausted his state court remedies, this Court also instructed Petitioner to amend the petition on the proper § 2254 forms by adding factual allegations specifying what actions he claims

violated his constitutional rights and the steps he took to exhaust his state court remedies. (*Id.*). Petitioner was advised that his failure to comply with this Court's instructions within thirty (30) days may result in dismissal of the petition. (*Id.*).

As of August 10, 2017, Petitioner has neither paid the \$5.00 filing fee or submitted a request to proceed *in forma pauperis*. Nor has he submitted the required amendment.

**IT IS THEREFORE RECOMMENDED** that the instant action be **DISMISSED WITHOUT PREJUDICE** for Plaintiff's failure to obey a lawful Order of the Court. *See* L.R. 41.3A, N.D. Ga.

The Clerk is **DIRECTED** to terminate the referral to the undersigned Magistrate Judge.

**IT IS SO RECOMMENDED** this 15th day of August, 2017.



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JUSTIN S. ANAND

UNITED STATES MAGISTRATE JUDGE